

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LISA ROULEAU,

Plaintiff,

v.

CIVIL ACTION NO. TBD

BANANA REPUBLIC, LLC & THE GAP,
INC.,

Defendant.

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to 28 U.S.C. § 1446(a), Defendants The Gap, Inc. and Banana Republic, LLC (“Defendants”), hereby invoke this Court’s jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441(a) and state the following grounds for removal:

1. On or about December 1, 2021, Plaintiff Lisa Rouleau filed an action, styled and captioned as above and assigned Civil Action No. 2182CV01077, for alleged negligence against Defendants in Norfolk County Superior Court. A copy of the Complaint is attached as Exhibit A.
2. Plaintiff purportedly served the Complaint upon Defendants on or about January 7, 2022. A copy of the Summons is attached as Exhibit B.
3. The Summons and Complaint constitute all process, pleadings, and orders served on Defendant to date in this action. See Exhibits A and B.
4. Having been filed within 30 days of service of the Complaint upon Defendants, this Notice of Removal to the United States District Court has been filed in a timely manner pursuant

to the provisions of 28 U.S.C. § 1446(b). See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 347-48, 119 S. Ct. 1322, 1325 (1999).

5. The requirements of 28 U.S.C. § 1446(b)(2) are satisfied where all defendants have joined in removal of this action.
6. Defendants will promptly provide written notice, as required by 28 U.S.C. § 1446(d), to Plaintiff and clerk of the state court in which this case was initially filed.
7. Jurisdiction exists over this removed action, pursuant to 28 U.S.C. § 1441, because this action could originally have been filed in this Court, pursuant to 28 U.S.C. § 1332(a)(1), on the basis that there is complete diversity of citizenship between the adverse parties and the amount in controversy exceeds \$75,000:
 - a. Defendant The Gap, Inc. is a Delaware corporation with its principal place of business in San Francisco, California and Defendant Banana Republic, LLC is Delaware Foreign Limited Liability Company with its principal place of business in San Francisco, California.
 - b. Based on the Complaint, Plaintiff is an individual residing in Cranston, Rhode Island. See Exhibit A.
 - c. Plaintiff is claiming that she sustained “severe, debilitating, and permanent injuries to her body and has endured continued pain, anguish and discomfort” and was “hospitalized and incurred large medical expenses” as the result of a trip and fall incident on December 6, 2018 at the defendants’ Banana Republic Factory Store in Wrentham, Massachusetts. See Exhibit A.

- d. The Civil Action Cover Sheet filed by Plaintiff with the Norfolk County Superior Court describes the alleged personal injuries as “knee-lower leg” A copy of the Civil Action Cover Sheet is attached as Exhibit C.
 - e. Plaintiff is claiming that the above-referenced injuries have resulted in hospital, doctor and physical therapy expenses in excess of \$43,000. See Exhibit C.
 - f. On November 18, 2021, counsel for plaintiff sent a settlement demand letter to defendants’ representative communicating a settlement demand in the amount of \$747,231.14.
8. Pursuant to 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of Massachusetts is the proper forum for removal of the state court action which was commenced in the Norfolk County Superior Court in the Commonwealth of Massachusetts.
- WHEREFORE, Defendants requests that the action pending in Norfolk County Superior Court be removed therefrom to this Court and proceed as an action properly so removed.

Respectfully submitted,

The Defendants,
Banana Republic, LLC & The Gap, Inc.

By Their Attorneys,

/s/ Peter A. Monaco

Sean J. Milano, BBO #551996
smilano@morrisonmahoney.com
Peter A. Monaco, BBO # 681918
pmonaco@morrisonmahoney.com
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210-1181
Phone: 617-737-8807
Fax: 617-342-4938

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on January 25, 2022

/s/ Peter A. Monaco

Peter A. Monaco